GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

STARRED QUESTION NO:262
ANSWERED ON:18.03.2008
MISUSE OF LEGAL PROVISIONS ON RAPE CASES
Prasad Shri Hari Kewal;Renge Patil Shri Tukaram Ganpatrao

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the provisions in the laws relating to rape cases in the country are being misused;

(b) if so, the total number of persons found guilty in this regard during each of the last three years, State wise;

(c) whether the Union Government proposes to amend the legal provisions in this regard; and

(d) if so, the details thereof?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MANIKRAO H. GAVIT)

(a) to (d): A Statement is laid on the Table of the House.

STATEMENT IN REPLY TO LOK SABHA STARRED QUESTION NO. 262 FOR 18.3.2008 REGARDING "MISUSE OF LEGAL PROVISIONS ON RAPE CASES".

(a): As per the information compiled by NCRB the number of rape cases investigated and cases declared false on account of mistake of fact or law during 2004-2006 is indicated below:

Year	2004	2005	2006
Case Investigated	17008	17946	18376
Cases declared false on account of mistake of fact or law	1194	1138	1173
Percentage of cases declared false vis-a-vis the cases investigated	7.0%	6.3%	6.4%

(b): "Police" and "Public Order" are State subjects, and this information is not centrally maintained.

(c) & (d): The Law Commission in its 172nd Report on Review of Rape Laws has recommended a number of changes in the rape laws. A draft amendment Bill was prepared by the Ministry of Home Affairs. In the meantime the National Commission for Women have also recommended changes in the rape laws. Since the Criminal Law and Criminal Procedure are on the Concurrent List of the Seventh Schedule to the Constitution of India, and the same are being administered by the State Governments, the State Governments and Union Territory Administrations have been requested to offer their views on the recommendations of the National Commission for Women.